

Serial No.: 08/450,437

Group Art Unit No.: 1711

²⁸
~~36~~ 44. The method according to claim 22, wherein the CNS disorder comprises movement disorders.

²⁸
~~37~~ 45. The method according to claim 22, wherein the CNS disorder is anxiety.

²⁸
~~38~~ 46. The method according to claim 22, wherein the eating disorder is food intake inhibition.

²⁸
~~39~~ 47. The method according to claim 22, wherein the neurodegenerative disorder is Alzheimer's disease.

⁴²
~~43~~ 48. The method according to claim 23, wherein the pulmonary disorder is asthma.

⁴²
~~44~~ 49. The method according to claim 23, wherein the pulmonary disorder is chronic obstructive pulmonary disease.

⁴²
~~45~~ 50. The method according to claim 23, wherein the pulmonary disorder is airway hyperreactivity.

⁴²
~~46~~ 51. The method according to claim 23, wherein the pulmonary disorder is cough.

⁴²
~~47~~ 52. The method according to claim 23, wherein the skin disorder is atopic dermatitis.

⁴²
~~48~~ 53. The method according to claim 23, wherein the skin disorder is cutaneous wheal and flare.

⁴²
~~49~~ 54. The method according to claim 23, wherein the CNS disorder is Parkinson's disease.

⁴²
~~50~~ 55. The method according to claim 23, wherein the CNS disorder comprises movement disorders.

⁴²
~~51~~ 56. The method according to claim 23, wherein the CNS disorder is anxiety.

⁴²
~~52~~ 57. The method according to claim 23, wherein the eating disorder is food intake inhibition.

⁴²
~~53~~ 58. The method according to claim 23, wherein the neurodegenerative disorder is Alzheimer's disease.--.

REMARKS

This Amendment is made in response to the Official Action mailed November 4, 1997. A request for a three-month extension of time accompanies this Amendment. Claims 15, 16, 22 and 25 have been amended. New claims 26 to 58 have been added. Accordingly, claims 1-8, 11, and 14-58 are now pending in this patent application. Pursuant to the Examiner's objection, the Abstract has been amended in order to define the substituents of Formula (I), while maintaining its length to 25 lines or less. Reconsideration and withdrawal of the rejections of this application are respectfully requested in view of the above amendments, and further, in view of the following remarks.

Serial No.: 08/450,437
Group Art Unit No.: 1711

Preliminarily, Applicants note that while the claim for priority under 35 U.S.C. §119(a-d) is acknowledged on the Summary page of the Official Action mailed December 16, 1996, none of the certified copies of priority documents MI95 A 000494, filed March 14, 1995, and MI94 A 001099, filed May 27, 1994, have been received by the USPTO. Therefore, in order to perfect the claim for priority made in this application under 35 U.S.C. §119(a-d), enclosed are the requisite certified copies of the priority documents. In view of this submission, it is respectfully requested that the Examiner acknowledge receipt of the certified documents, and completion of the requirements under 35 U.S.C. §119(a-d) in this application.

Claims 1-8, 11, 14, 15 and 17-25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, in claim 15, the Action asserts that it is not clear if the material in parenthesis after the term 'for example', is meant to be examples or definitions. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

First, Applicants submit that claims 1-8, 11, 14, 17-21, 23 and 24, all of which are directed to compounds or pharmaceutical compositions, are definite under Section 112, second paragraph, particularly in view of the rationale for this rejection. In fact, in a telephonic interview between the Examiner and the undersigned attorney on December 18, 1997, it was agreed that the rejection should not, and does not apply to claims 1-8, 11, 14, 17-21, 23 and 24. Therefore, since no other rejection has been made of these claims, they are in condition for allowance.

Claims 15, 16, 22 and 25, have been amended in order to remove the material contained within the parentheses. Based upon this amendment, Applicants submit that claims 15, 16, 22 and 25 are in proper condition for allowance under Section 112, second paragraph. Further, new claims 26-58 have been added and are directed to specific embodiments of the invention, support for which is found in the claims and specification as originally filed. No new matter has been added under these claims.

Claim 16 has been rejected under 35 U.S.C §102(e), as being anticipated by U.S. Patent 5,434,158, issued July 18, 1995, to Shah ("Shah") and U.S. Patent 5,607,936, issued March 4, 1997, to Chiang et al. ("Chiang"). In particular, the Action asserts that Shah discloses a process in which an NK-3 receptor antagonist is used to treat diseases such as Alzheimer's disease (column 16, lines 32 et seq.). Further, the Action asserts that Chiang discloses the treatment of psoriasis using NK-3 receptor antagonists (column 18, lines 33 et seq.). Reconsideration and withdrawal of the rejections are respectfully requested.

First, Applicants submit that their invention is entitled to an earliest priority date of May 27, 1994, under 35 U.S.C. §119, based upon the filing of foreign priority document MI94 A 001099. Therefore, certainly with respect to Chiang, which has an effective filing date for purposes of 102(e) of September 30, 1994, this rejection is improper and should be

B

Serial No.: 08/450,437

Group Art Unit No.: 1711

withdrawn. Furthermore, Applicants are considering filing an affidavit under 37 C.F.R. §1.131 to overcome the rejection in view of Shah, which claims an effective filing date of April 26, 1994.

In view of the foregoing, favorable reconsideration of claims 1-8, 11 and 14-25, favorable consideration of new claims 26-58, and allowance of this application with claims 1-8, 11 and 14-58, are earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nora Stein-Fernandez". The signature is written in black ink and is positioned above the printed name and title.

Nora Stein-Fernandez
Attorney for Applicants
Registration No. 36,689

SMITHKLINE BEECHAM CORPORATION

Corporate Intellectual Property - UW2220

P.O. Box 1539

King of Prussia, PA 19406-0939

Phone (610) 270-5044

Facsimile (610) 270-5090

n:\nsf\patapps\P30958C2\amend2.doc